

S.N. 09/643,389
Art Unit 2125
Atty Dkt 10970997-3

Submitted herewith is a declaration under 37 CFR §1.131 by the inventor of the current application, Kevin K. Funk. This declaration establishes that an actual reduction to practice of the current invention occurred on or about March 20, 1997 (see paragraph 4 of the declaration). Since this actual reduction to practice predates the publication date of the Kimura reference (i.e., January 6, 1998), it is believed that the declaration establishes that Kimura is not prior art relative to the current claims. Accordingly, the Examiner's rejection is believed to be overcome.

II. Rejection of Claim 13 under 35 U.S.C. §102(e)

Claim 13 stands rejected under 35 U.S.C. §102(e) as being clearly anticipated by Zvonar et al. (U.S. Patent No. 5,828,989) or Zvonar et al. (U.S. Patent No. 5,942,739). Reexamination and reconsideration of the Examiner's rejection are requested.

It is noted that both of the Zvonar et al. patents applied by the Examiner were filed on January 22, 1997. Submitted herewith is a declaration under 37 CFR §1.131 by the inventor of the current application, Kevin K. Funk. This declaration establishes that conception of the instant invention occurred prior to January 22, 1997 (see paragraphs 2 and 3 of the declaration). The declaration further establishes that an actual reduction to practice occurred on or about March 20, 1997 (see paragraph 4 of the declaration) and that there was diligence from a time prior to January 22, 1997 to the time of actual reduction to practice (see paragraph 5 of the declaration). Accordingly, it is believed that the declaration establishes that the Zvonar et al. patents

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are not prior art relative to the current claims. Thus, the Examiner's rejection is believed to be overcome.

III. Rejection of Claims 14-18 under 35 U.S.C. §103(a)

Claims 14-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kimura (Japanese Patent No. JP410004042A - Application No. JP08177051) as applied to claim 13 and further in view of certain portions of applicant's disclosure. Reexamination and reconsideration of the Examiner's rejection are requested.

Claims 14-18 are now believed allowable as depending from allowable base claim 13.

IV. Rejection of Claims 14-18 under 35 U.S.C. §103(a)

Claims 14-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zvonar et al. (U.S. Patent No. 5,828,989) or Zvonar et al. (U.S. Patent No. 5,942,739) as applied to claim 13 and further in view of certain portions of applicant's disclosure. Reexamination and reconsideration of the Examiner's rejection are requested.

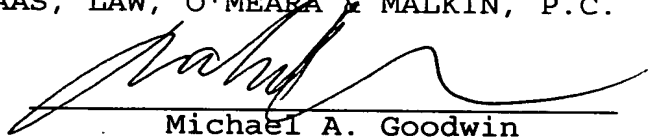
Claims 14-18 are now believed allowable as depending from allowable base claim 13.

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In view of the above, all of the claims are now
believed to be in condition for allowance. Re-
examination and reconsideration are requested.

Respectfully submitted,
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By



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